



Opioids and the Courts News: June 7, 2019

National

[Will A Global Opioid Settlement Mimic The 1990s Tobacco Experience?](#)

Forbes

What will happen with the money?

But that raises another question: What will happen to the money? State attorneys general argue that funds recovered in litigation would be used to cover the costs of treating victims of opioid addiction and related initiatives. And surely some of it will.

But the tobacco settlement experience suggests that states may very well divert a large share of the funds to other, unrelated uses.

A 2005 [study published in the journal Health Affairs](#) found that six sample states shifted settlement money to many other programs. Michigan allocated much of its settlement pool to a merit scholarship program and, after 2000, used no settlement funds for anti-smoking initiatives. North Carolina initially allocated more than half of its windfall to tobacco growers and communities hurt by the global settlement. Eventually, some of the money was used to fund health-related programs—and some of that likely helped those with smoking-related disease. But other settlement revenues were used to reduce the state's budget deficit.

A [2007 Government Accountability Office \(GAO\) report](#) calculated that states used only about 3.5 percent of settlement funds for tobacco control. Thirty percent was used for general health programs and 22 percent to close budget gaps. A [2014 National Institutes of Health study concluded](#) that settlement funds were associated with *declines* in spending for smoking control efforts.

National

[J&J Called a 'Kingpin' in Opioid Case That Could Be a Test for 1,600 More Lawsuits](#)

Fortune

The Oklahoma trial holds great interest because it is widely seen as a test for the collection of some 1,600 plus lawsuits consolidated in a multidistrict litigation in Ohio. That court process is scheduled to get underway in October. In those proceedings, many of the court documents are redacted or under seal. So Oklahoma provides the public's first glimpse into what the evidence—and J&J's defense—looks like. "Everyone is looking at this trial so that they can adjust their strategy going forward," says Elizabeth Chamblee Burch of the University of Georgia School of Law and the author of the recently published book, *Mass Tort Deals: Backroom Bargaining in Multidistrict Litigation*.

J&J's opioid products at the center of the trial are a tablet called Nucynta (divested since 2015) and Duragesic, a transdermal fentanyl patch. Also part of the litigation: two sister



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companies that J&J owned until 2016 that produced and processed ingredients from patented Australian poppies for use in its own and other companies' narcotics. Those companies, such as Purdue Pharma—widely viewed as the star opioid villain—helped fuel the crisis, the state says. Which makes J&J and Purdue “co-conspirators,” according to the state, and J&J a “kingpin.” The unsavory depiction hardly aligns with the family-friendly image that the maker of baby shampoo and Band-Aids portrays.

National

[Insys to pay \\$225 million, unit to plead guilty to settle US opioid charges](#)

Reuters

Insys Therapeutics Inc. agreed to pay \$225 million and an operating unit will plead guilty to fraud to settle probes into their payment of kickbacks to induce doctors to prescribe highly addictive opioids, the U.S. Department of Justice said on Wednesday.

Prosecutors said Insys used kickbacks and other illegal marketing practices to boost sales of Subsys, an under-the-tongue spray meant to treat pain in adult cancer patients and which contains fentanyl, an opioid 100 times stronger than morphine.

The settlement followed the May 2 conviction by a federal jury in Boston of five former Insys executives, including founder and former billionaire John Kapoor, of racketeering charges for contributing to the nation's opioid epidemic.

National

[Opioid prescriptions are declining](#)

Axios

Opioid prescriptions are down, naloxone prescriptions are up, and doctors are increasingly using state prescription drug monitoring programs, according to the American Medical Association's [2019 Opioid Task Force Progress Report](#).

By the numbers: Queries made to state PDMPs increased by about 650% between 2014 and 2018. That means doctors are checking patients' prescription history before giving them more opioids.

Maryland

[New Harford Circuit Court drug court focuses on underlying addiction, not the crime itself](#)

Baltimore Sun

Amanda Oliver is facing up to 20 years in jail on drug charges and hasn't seen her 3-year-old son or her stepson since she was arrested on a probation violation on Easter.





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Twelve years in jail loom in front of Hayward Henderson — also on drug charges. He was in rehab but walked away.

Both of them have previously sought help for their addictions but were unsuccessful. This time, they're enrolling in Harford County Circuit Court's drug court — not only to help keep them out of jail, but more importantly, Judge Kevin Mahoney said, to treat their addictions.

“The ultimate goal is to keep people alive. We're having terrible problems with [drug] overdoses and deaths,” Mahoney, who spearheaded the circuit court's drug court and will preside over the cases, said. “More globally, we're really looking to identify and attract people to the program who failed in other aspects.”

Michigan

[County seeking funds for recovery court program](#)

Port Huron Times Herald

St. Clair County court officials are applying for funds to kick start a recovery court as soon as the fall.

Court Program Manager Jim Osieczonek said they're applying for two grants from the state — requesting a total of about \$123,900, according to a memo to county board members — to form a hybrid sobriety and drug court program.

Officials have already submitted the grant applications, but applying for the awards will be on the agenda for county commissioners' committee meeting Thursday. The earliest a recovery court program could begin would be October.

New Hampshire

[Piece of the puzzle: Drug courts expand across NH](#)

New Hampshire Business Review

“We take a risk in accepting these cases,” said [New Hampshire] Superior Court Chief Justice Tina Nadeau, who oversees the drug court system. She said graduations like [Merrimack County Drug Court graduate Christopher] Ruggles' prove that the risk is worth it.

Nadeau, who described substance abuse disorder as a “pernicious chronic disease,” has been a staunch advocate for treatment courts across the state since she was a new judge in Strafford County almost 15 years ago.



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“We started to see the same offenders the longer we [sat] on the bench, recycling through the system over and over,” she recalls. “It took a couple of years to convince all of the stakeholders to give [drug court] a try.”

One of the most significant challenges was funding. When she was appointed chief justice in 2011, Nadeau helped expand drug courts statewide with grants from the federal department of justice. She also became a supporter of medication-assisted treatment (MAT) in drug courts. She said about 90% of people with substance abuse disorder need MAT to recover.

But, by 2016, the federal grants were running out.

“It’s a tough sell and there are all kinds of competing interests,” Nadeau said. “The opioid crisis was the hue and cry for it to be extended statewide.”

